IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 30603 of 2007(R)

PETITIONER:

SUDHEESH.K.S., S/O.SUDHAKARAN,
KRISHNAVILASOM,VELIYANNOOR.P.O.,KOTTAYAM DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:

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1. JOINT REGIONAL TRANSPORT OFFICER, PALA.

2. SUB INSPECTOR OF POLICE, FEROKE POLICE STATION,FEROKE, KOZHIKODE DISTRICT.

3. MOTOR VEHICLE DEPARTMENT, SPECIAL SWUAD, OFFICE OF THE DEPUTY TRASPORT COMMISSIONER (NORTH ZONE),KOZHIKODE.

4. K.VIJAYAN,KRISHNA VIHAR, OLAVANNA P.O., PANTHEERANKAVU,KOZHIKODE-19.

BY GOVT. PLEADER SRI. M.R.SABU
ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.S.A.ANAND
SRI.PETER JOSE CHRISTO
SRI.JOVY GEORGE VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 30603/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE REGISTRATION CERTIFICATE RELATING TO VEHICLE NO.KL-35-2880

EXT.P2. COPY OF THE CIRCULAR NO.31/89 DT. 2012.89 ISSUED BY THE TRANSPORT COMMISSIONER

EXT.P3. COPY OF THE JUDGMENT MADE IN WPC NO 27427/2007 DT. 24.9.07

EXT.P4. COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT SEEKING PAYMENT OF RS.73,500/- ON ACCOUNT OF M.V.TAX

EXT.P5. COPY OF THE AGREEMENT DT. 2.12.06 EXECUTED BETWEEN THE PETITIONER AND 4TH RESPONDENT

EXT.P6. COPY OF THE NOTICE DT.10.9.07 SENT BY M/s. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED

/TRUE COPY/

PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 30603 OF 2007

Dated this the 31st day of October, 2007

J U D G M E N T

Petitioner, the registered owner of a Stage Carriage bearing Reg No. KL- 35-2880, had transferred the vehicle to the 4th respondent. However necessary endorsements were not made in the Registration Certificate. Since the 4th respondent committed default in remitting the Motor Vehicle Tax, the vehicle has been seized by the official respondents. Now the petitioner submits that he is willing to clear the entire arrears and that the respondents may be directed to release the vehicle seized by the official respondents. It is submitted by the 4th respondent that he is still his pressing his claim regarding the ownership of the vehicle in question.

2. Be that as it may, now that the registered owner of the vehicle is the petitioner and that he is willing to clear the entire arrears due to the official respondents, I see no justification for declining the reliefs sought for by the petitioner.

3. Therefore, without prejudice to the contentions raised by the 4th respondent against the petitioner, it is directed that on remittance of the entire arrears and after satisfying them that he is still the registered owner of the vehicle, the vehicle shall be released to the petitioner.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

vps